

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

| | | |
|--------------------------|---|-----------|
| WALTER COLUMBUS SIMMONS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 1:13CV956 |
| |) | |
| SURRY COUNTY DETENTION |) | |
| CENTER, |) | |
| |) | |
| Defendant(s). |) | |

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner of the State of North Carolina and frequent pro se litigant in this Court, submitted a civil rights action pursuant to 42 U.S.C. § 1983, together with an application to proceed *in forma pauperis*. The form of the Complaint is such that serious flaws make it impossible to further process the Complaint. The problem is:

1. Plaintiff has not named proper defendants or given sufficient addresses for them to be served. As Plaintiff the Court has told Plaintiff in the past, he must name the persons who are actually responsible for the alleged violations of his constitutional rights. Plaintiff names no persons as Defendants in this lawsuit.

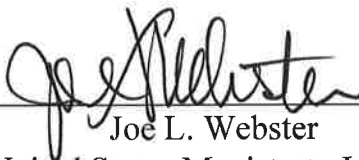
Consequently, the Complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defect of the present Complaint. To further aid Plaintiff, the Clerk is instructed to send Plaintiff new § 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.*, Sections (a) & (d)).

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation. The Clerk is instructed to send Plaintiff § 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.*, Sections (a) & (d)).

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defect cited above.

This, the 4th day of November, 2013.



Joe L. Webster
United States Magistrate Judge